

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-35 and 61 are pending, claims 1, 7, 14-16, 19, and 61 having been amended and claims 36-60 having been canceled without prejudice or disclaimer by way of the present amendment.

In the outstanding Office Action, the restriction requirement of May 30, 2004 was withdrawn; claims 1, 7, 14, and 16 were objected to as containing informalities; claims 1-15, 20-28, 31-35, and 61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cogger et al. (U.S. Patent No. 6,032,184, hereinafter Cogger); claims 16-19 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cogger in view of Mighdoll et al. (U.S. Patent 6,332,157, hereinafter Mighdoll); and claims 36-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Monachello et al. (U.S. Patent No. 6,748,439, hereinafter Monachello) in view of Cogger.

Applicants appreciatively acknowledge the withdrawal of the restriction requirement of May 30, 2004.

In response to the objection of certain claims, claims 1, 7, 14-16, 19, 36, 37, 43-45, 47, 48, and 61 have been amended by way of the present amendment to remove identified informalities. No new matter has been added. Thus, the outstanding objection is believed to have been overcome. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

The present invention relates to a system, method, and computer program product through which “a wholesale provisioning service is provided by connecting end-users to service providers based on a service being requested.” Specification, ¶ 0007. The system allows for an end-user to be connected to different service providers based on a particular

service being requested by the end-user. See, e.g., Specification at ¶ 0006. For example, using the present invention, an end-user could be connected to a single system, and through that single system gain access to the Internet, cable television, voice services, etc., where each of those services may be provided by disparate service providers. See, e.g., Specification at ¶¶ 0020-21. A recognized advantage of the inventive system is that an end-user need only have connectivity to the single system through which many services from different service providers may be accessed.

Cogger is directed to a system for using the Internet to track trouble tickets. Cogger describes a system through which trouble ticket entries for a particular service provider are maintained in a database that is accessible via the Internet. Cogger only describes giving access to this trouble ticket database via the Internet so that a customer of the service provider can track the status of its trouble tickets.

Cogger does not teach a system through which an end-user may be provided services from many disparate service providers (e.g., voice services from a phone company, video services from a cable television provider, and Internet access from an ISP). Independent claim 1, as amended, requires, *inter alia*, a path determination mechanism that is configured to “determine a network path via the access network through which to connect the particular end-user to the particular service provider when the particular end-user requests the particular service.” Claim 1 (emphasis supplied). Cogger does not teach determining a network path for connecting an end-user to one of a plurality of service providers via a single access network based on the service being requested by the end-user. On the contrary, the trouble ticket tracking system of Cogger merely provides a single service provider’s users with access to its trouble ticket database via the Internet.

Thus, it is respectfully submitted that independent claim 1, as amended, patentably defines over Cogger. Because claims 2-15 depend from claim 1, it is respectfully submitted that these dependant claims also patentably define over Cogger.

Independent claims 20 and 61, as amended, also require a single system through which services from disparate service providers may be provided to an end-user based on the service requested by that end-user. Accordingly, for reasons similar to those set forth above regarding claims 1, it is respectfully submitted that independent claims 20 and 61, as amended, patentably defines over Cogger. Because claims 21-28 and 31-35 depend from claim 20, it is respectfully submitted that these dependant claims also patentably define over Cogger.

Claims 16-19, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cogger in view of Mighdoll. Mighdoll is asserted for its teaching of routing an end-user to an alternate service provider when a path is not available. Office Action dated January 19, 2005 at ¶ 11. Mighdoll is directed to a client/server computing environment in which demands for services provided by the server can be balanced in response to overloading. See, e.g., Mighdoll at col. 2, lines 43-57. However, Mighdoll does not teach or suggest what is also lacking in Cogger, namely the use of a single system through which services from disparate service providers may be provided to an end-user based on the service requested by that end-user. Therefore, no matter how Cogger is combined with Mighdoll, the combination fails to teach or suggest the presently claimed invention. Thus, it is respectfully submitted that claims 16-19, 29, and 30 are patentable over Cogger in view of Mighdoll.

Consequently, in view of the present amendment, and in light of the above comments, Applicants respectfully submit that the invention defined by claims 1-35 and 61 is patentably

distinguished from the prior art. An early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'B. Lytle', is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Thomas J. Fisher
Registration No. 44,681

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
BDL:TJF:fbf